

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELVIN MOSES LILLEY, III,

Defendant.

CR-15-16-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 29, 2021. (Doc. 48.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 28, 2021. (Doc. 43.) The United States accused Lilley of violating his conditions of supervised release 1) by failing to follow the instructions of his probation officer; 2) by failing to reside as a place approved by his probation officer; 3) by committing another crime; and 4) by using marijuana and methamphetamine. (Doc. 40.)

At the revocation hearing, Lilley admitted that he had violated the conditions of his supervised by 1) by failing to follow the instructions of his probation officer; 2) by failing to reside as a place approved by his probation officer; and 3) by using marijuana and methamphetamine. (Doc. 43.) The Court dismissed alleged violation 3 on the government's motion. (*Id.*) Judge Johnston found that the violations Lilley admitted proved to be serious and warranted revocation, and recommended that Lilley receive a custodial sentence of 6 months, with 18 months of supervised release to follow, with the first 180 days of supervised release at a residential re-entry center, if possible. (Doc. 48.) Lilley was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 43.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 48) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Melvin Moses Lilley, III be sentenced to the Bureau of

Prisons for 6 months, with 18 months supervised release to follow, with the first 180 days of supervised release at a residential re-entry center.

DATED this 13th day of January, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court

